HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4805/2006

M/s Chaudhari Electronic & Company.

Vs.

Chhattisgarh State Industrial Development Corpn. Ltd. & three others.

Writ Petition No. 4806/2006

Chhattisgarh Aqua (Private) Limited

Vs.

Chhattisgarh State Industrial Development Corpn. Ltd. & three others

Writ Petition No. 4807/2006

Nav Bharat Steels

Vs.

Chhattisgarh State Industrial Development Corpn. Ltd. & three others

JUDGMENT FOR CONSIDERATION

Sd/-
Dilip Raosaheb Deshmukh
Judge

Hon'ble the Chief Justice

(Chief Justice)
.09.2006

Sd/-
S.R. Nayak
Chief Justice

Post for Order :

Sd/-
Dilip Raosaheb Deshmukh
Judge

HIGH C.OURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4805/ 2006

CORAM: Hon'ble Shri **S.R.Nayak,** Chief Justice &
Hon'ble Shri **D.R.Deshmukh**, J.

Petitioner : M/s. Chaudhari Electronic & Company. A proprietorship firm, engaged in manufacturing and sale of Hand Pumps and spare parts, having office at Shiv Talkies Square, Bilaspur, represented through Power of Attorney Holder Shri Rajul Jain, S/o Shri Subhas Chandra Jain, aged about 26 years, resident of Shiv Talkies Square, Bilaspur.

Versus

Respondents :
1. Chhattisgarh State Industrial Development Corporation Limited. A Government of Chhattisgarh Undertaking. A company registered and incorporated under Indian Companies Act, 1956, represented through the Managing Director, Ground Floor, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
2. Chief General Manager, Chhattisgarh State Industrial Development Corporation Limited, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
3. Public Health Engineering Department, through the Secretary, D.K.S. Mantralaya, Raipur (C.G.).
4. Public Health Engineering Department, through Engineer in Chief, Raipur (C.G.).

Writ Petition No. 4806/ 2006

Petitioner : Chhattisgarh Aqua (Private) Limited. A company registered and incorporated under Indian Companies Act, 1956 having registered office at Shed No.5; AKVN Sheds, Siltara Industrial Area, Raipur, represented through Authorized Signatory – Akshai Chauhan, S/o Shri P.R.Chauhan, aged about 28 years, 1/17 Pt. Ravi Shankar Shukla University Campus, Raipur (C.G.)

Versus

Respondents :
1. Chhattisgarh State Industrial Development Corporation Limited. A Government of Chhattisgarh Undertaking. A company registered and incorporated under Indian Companies Act, 1956, represented through

the Managing Director, Ground Floor, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
: 2. Chief General Manager, Chhattisgarh State Industrial Development Corporation Limited, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
: 3. Public Health Engineering Department, through the Secretary, D.K.S. Mantralaya, Raipur (C.G.).
: 4. Public Health Engineering Department, through Engineer in Chief, Raipur (C.G.).

Writ Petition No. 4807/ 2006

Petitioner : Nav Bharat Steels. A proprietorship firm, engaged in manufacturing and sale of Hand Pumps and spare parts, having works at Kondatarai, Raigarh, represented through proprietor Smt. Kailash Gupta, W/o Shri H.S.Gupta, aged about 65 years, resident of A-123, Inderpuri, New Delhi-12.

Versus

Respondents : 1. Chhattisgarh State Industrial Development Corporation Limited. A Government of Chhattisgarh Undertaking. A company registered and incorporated under Indian Companies Act, 1956, represented through the Managing Director, Ground Floor, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
: 2. Chief General Manager, Chhattisgarh State Industrial Development Corporation Limited, L.I.C. Commercial Complex, Pandri, Raipur (C.G.)
: 3. Public Health Engineering Department, through the Secretary, D.K.S. Mantralaya, Raipur (C.G.).
: 4. Public Health Engineering Department, through Engineer in Chief, Raipur (C.G.).

Shri Saurabh Jaiswal, learned counsel for the petitioners

Shri Yashwant Singh, learned G.A. assisting Shri Prashant Mishra, learned Addl. A.G. for the State/respondents No. 3 & 4.

ORDER

(Passed on 19 .09.2006)

The following order of the Court was passed by **DILIP RAOSAHEB DESHMUKH, J.**

The petitioners, who were the successful bidders in the tender floated by the respondents herein, had earlier challenged the award of Rate Contract by the respondents herein to one Arihant Industries by filing writ petitions No. 4001/2006, 4002/2006 & 4003/2006on various grounds. In their return, Arihant Industries asserted that the Rate Contract awarded to them by the respondents herein had been cancelled with immediate effect. In view of the above, all the three writ petitions No. 4001/2006, 4002/2006 & 4003/2006 filed earlier were dismissed as having become infructuous

2. The petitioners herein have filed these writ petitions under Articles 226/227 of the Constitution of India on the ground that the respondents are now proceeding to make huge payments to Arihant Industries for the period, during which, stay was granted in the earlier writ petitions i.e. W.P. Nos. 4001/2006, 4002/2006 & 4003/2006. The pleadings are not specific inasmuch as it is not disclosed as to when and what amount was being paid to Arihant Industries by the respondents and why?

3. Having heard the learned counsel for the petitioners, we are of the considered opinion that the writ petitions No. 4805/2006, 4806/2006 and 4807/2006 suffer from the defect of *locus standi.* The Rate Contract awarded to Arihant Industries having been cancelled and all the three writ petition Nos. 4001/2006, 4002/2006 & 4003/2006 filed earlier, having been dismissed as infructuous, no cause of action survived in favour of the petitioners to assail any subsequent payment being made to Arihant Industries during the period of stay ordered by this Court. The present writ petitions have not been filed by the petitioners as *pro bono publico.* The Rate Contract awarded to Arihant Industries having been cancelled, the

petitioners herein have absolutely no *locus standi* to file these writ petitions. The pleadings in para 5.7 of the writ petition are also as vague as it could be. If the respondents are making any payments to Arihant Industries for the period, during which, stay granted by this Court was operative, the petitioners can have no grievance. The petitioners also did not array Arihant Industries as a respondent in these writ petitions. Thus, there is a serious defect of non-joinder of necessary party in all these petitions.

4. In this view of the matter, we dismiss the writ petition Nos. 4805/2006, 4806/2006 and 4807/2006.

Sd/-
S.R. Nayak
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani